IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3946 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3234/2007 Dated 14/06/2007
CRMP.2811/2007 of J.M.F.C.-II,PATHANAMTHITTA

.....

(EXCISE CR.NO.29/07 OF KONNI EXCISE RANGE)

: PETITIONER/ACCUSED

UTHAMAN,
SHYAMA BHAVAN, PAYYANAMON, KONNI,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

---

1. THE EXCISE INSPECTOR,
KONNI RANGE.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.NAZEER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

B.A.No.3946 Of 2007

= = = = = = = = = = = = = =

Dated this the 29th day of June, 2007

ORDER

Application for regular bail. The petitioner faces the allegation under the Kerala Abkari Act that he was found in possession of 5 litres of arrack on 11.05.07 and continues in custody from that date.

2. The learned Public Prosecutor submits that the petitioner is involved in two other similar cases. The learned counsel for the petitioner asserts that in one such case, the petitioner has been found not guilty and acquitted. The learned counsel for the petitioner prays, learned Public Prosecutor does not seriously oppose the said prayer on condition that the Investigating Officer may be given sufficient further time to complete his investigation and I am satisfied that the petitioner can be enlarged on bail subject to appropriate conditions.

3. In the result the bail application is allowed . The petitioner shall be released on bail on the following terms and conditions:-

i) The petitioner shall not be released from custody on the strength of this order prior to 4.07.07.

ii) He shall execute a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of two months,and thereafter as and when directed by the Investigating Officer, in writing to do so.

(R.BASANT, JUDGE)

sj